



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/715,669

11/18/2003

Jerome Glasser

4813

40232

7590

11/20/2009

Jerome Glasser

2308 Mt. Vernon Avenue, Suite 240

Alexandria, VA 22301

EXAMINER

SANDY, ROBERT JOHN

ART UNIT

PAPER NUMBER

3677

MAIL DATE

DELIVERY MODE

11/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Election not fully responsive.

The reply filed on 08/31/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Applicant's reply filed on 08/31/2009 does not include a statement of an election of a species indicated among the species indicated in election requirement of the Office action mailed on 05/05/2008.

The Office action mailed on 05/05/2008 indicated Species 1 through Species 6. However, the applicant reply did not include an election of one of the indicated species.

As stated on page 3 of the prior Office action, "Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election."

In the reply filed on 08/31/2009, the applicant has included "substantiations"(which have been considered to be applicant' reason(s) of traversing the election requirement) for consideration of combining Species 1, Species 2, and Species 4, and labeling the combination of species as "expanded Species 1", and states on page 2 "that Applicant provisionally elects an "expanded Species 1".

In order to advance the prosecution of the application, and in the event that applicant's traversal is not persuasive to the Examiner, the applicant must include an election of one of the indicated species listed in the election requirement of the prior Office action.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Art Unit: 3677

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 571-272-7073. The examiner can normally be reached on M-F (7:30-4:00).

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert J. Sandy/
Primary Examiner, Art Unit 3677